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File No. Ge. of I. II/42

Legal. DEPARTMENT

B BRANCH

(P 63 'L)

K

Subject :—

Notifications

Rules, under the Government of India Act, 1935.

File No. Ge. of I. II/42

Std. Sectt. Slip 24 B e.

43-B.

Contd.

Legal Department File No.G of 1.11/42.

S. No.	Compilation No.	Subject	Pages
		The Government of India Act, 1935.	
1	U.O. to P & S. D No. 2 of 3rd June 1942.	Sec. 260 (2, Nothn. under	1-3.
2.	U.O. to H. D. No. 462 dt. 17th Jan 1942.	Sec 262(4,- Appointment of Ld. Ambassa under.	5-6
3.	U.O. to P & S. D. No. 736 dt. 21th Jan. 1942.	Sec 266 (3) -Nothn under	7-10
4.	U.O. to P & S. D No. 61 confl. dt. the 11th Feb 1942.	Sec. 263 (1, - nothn under	11-14
5.	U.O. to P & S. D. No. 1193 dt 9th Feb 1942.	Sec. 311(2, (b, nothn under	15-16
6.	U.O. to P. W.D. No. 1411 dt 17/2/42.	Sec 241 (2, (b, Nothn under	17-23
7.	U.O. to P & S. D No. 653 dt 30th January, 1942.	Secs. & and Public Service commission (condition of service, Legislation- Legislation-17 - nothn under	23-26
8.	U.O. to H. D. No. 1.42 dt. 14th Feb 1942.	Sec. 93(4, - nothn under	27-30
9.	U.O. to F. D. F-2.2/42 dt 6/3/42.	Sec. 2-3-2 in of Act to be Excluded Areas etc.-	31-32.
10.	U.O. to P & S. D. No. 260 dt. 11th Jan. 1942.	Sec 266 (3, nothn under	33- 6
11.	U.O. to P & S. D. No. 2236 dt 12th March 1942 2.	Secs. 263 (2) Nothn under.	37-40
12.	U.O. to P & S. D. No. 2857 dt 10th March 1942.	Son and Sind Public Service commission (Condition and of Service, Legislation -, Nothn under.	41-44
13.	U.O. to P & S. D. No. 3.61, dt, 2nd April, 1942	Sec. 263 (2, Nothn under	45-48
14.	U.O. to P & S. D. No. 3363 dt. 9th & April, 1942	Secs. 311, 251, 252, Nothn under	49-54 (pp. 51 to 54 not copied)
15.	U.O. to P & S. D. No. No. 2813 confl. dt. 4th & April, 1942.	Sec. 311 (2, (b) - nothn under	55-62
16.	U.O. to P & S.D. No. 3163 dt 11th April, 1942.	Secs. 311 (2, (b, nothn under	63-66

1	2	3	4
17	U.L. to P & S. D. No. 161 dt. 11th April, 1912.	Sec. 168(2) Rotfn under.	67-70
18.	U.L. to Fds. No. 3744 dt. 4th May 1912.	Sec. 42(1, Rotfn under	71-73.
19.	U.L. to D.D. (Appl) No. 307 dt. 11th May 1912	Sec. 62 (1 Rotfn under	70-73
20	D. R. to D.F.D. 6304 dt. 28th June 1912.	Sec. 241 Rotfn under	70-92
21	U. L. to F.D. 6145 dt. 3rd July 1912.	Sec. 62 (1) Rotfn under	92-96
22.	U.L. to P. S. D. No. 4000 dt. 15th June 1912.	Sec. 62(1, Rotfn under.	97-99
23.	U.L. to F.D.No.6175 dt. 30th July 1912.	Sec. 62 (1, notfn under	91-92
24.	U.L. to F.D.No. 6320 dt. 4th Aug. 1912.	Sec. 62 (1, notfn under	93-96.
25.	U.L. to P & S.D. No. 3206 dt. 16th Nov. 1912	Sec. 241 (2) (c) notfn under	97-100.
26.	U.L. to P& S.D.No.3730 dt. 4th December, 1912.	Sec. 62(1, notfn under	101-104
27.	U.L. to P & S.D. No. 3734 dt 7th Dec. 1912.	Section Scrutiny of Rule 36(1a) of Del C. S.R & O rules 1930	105-108
		Sec. 62(1, notfn under	109-112
28.	U R to P & S D No 3871 dt 14th Dec. 1912.		
30.	U R to F.D.No. 137 dt. 7th Jan. 1913.	Sec. 62,1, Rotfn under	~~113~~ 113-116.

5/5

L.H.C. 2/5.

K.S.R. 5/5.

Office of the R.L.A.

A revised draft notification in place of those draft notification at pages 59-60 ante is sent herewith.

2. With regard to para. 3(iii) of D.S. P & S.D.'s note at page 62, it is pointed out that the proposed notification will also cover persons in respect of whom declarations have been issued after 1st April 1919 and they will be eligible to hold all civil offices in the Province. There is however no objection to allowing such declarations to continue to remain in force.

Sd/- P.H.H. 2/1/12
Remembrancer of Legal Affairs

U.O. to P. & S.D.No. 2 dated the 3rd Jan. 1912.

M.R.

2/5

NOTIFICATION.

Political and Services Department.

Bombay Castle, 1911.

No. 1955/34. In exercise of the powers conferred by sub-section (2, of section 262 of the Government of India Act, 1935, and in supersession of Government

Notifications in the Political and Services Department
No. 1956/34 dated the 22nd March 1938.
No. 1955/34 dated the 29th March, 1938.
No. 1955/34 (1) dated the 30th March 1938.
No. 1956/34 (2, dated the 30th March 1938.
No. 1955/34 (3, dated the 30th March 1938.
No. 1956/34-II dated the 1st October 1938.

specified in the margin, the Governor of Bombay is pleased to declare that the subjects of the Indian States and the natives of the territory adjacent to India specified in the Schedule hereto annexed, shall be eligible and shall be deemed with effect from the 1st April 1937 to have been eligible to hold any civil office under the Crown in India in connection with the affairs of the Province of Bombay.

Schedule.

(Here insert A—A on pp. 56-58, ante.)

By order of the Governor of Bombay,

Chief Secretary to Government.

H.H.
2/5

One Mr. Mathews, a native of Travancore State was appointed to the post of a forester in April 1937 and confirmed in that post on 23-8-1939. At that time when he was confirmed he was not eligible to hold any permanent appointment, as he was not a native of the Province of Bombay within the meaning of clause (d) of rule 3 of the Bombay Civil Services, Classification and Recruitment Rules.

This fact it seems, has now come to the notice of the Chief Conservator of Forests and he has approached Government to accord sanction to his appointment in order to regularise the matter. The P. & S. D has taken the view that in view of the proviso(a, to section 262(4) of the Government of India Act, 1935, no action is necessary.

2. The view taken by the P & S.D. that no action is necessary to regularise the position appears to be correct. Under proviso (a/ to section 262(4) a person who at the end of March 1940 was in the permanent service of the Crown in India shall not be ineligible to hold any office under the Crown in India by reason that ~~in~~ he is not a British subject. As pointed out in para 2 of R.L.A.'s opinion No. 1.3dl, dated 25/11/40 in virtue of this provisions non-British subjects whowere in p rmanent service on 31st March 1940 are saved. Mr. Mathews was in permanent service since before 31st March 1940 and consequently he is not ineligible to

held his present office. As Mr. Mathews is saved
Very
by the ~~very~~ operation of law no action is necessary
to regularise the position. The papers may be 1A
been and passed on to R. D.

sd/-
10/1

A.L.R. As at 'A'

~~sd~~/- S.B.P.
12/1

R.L.A. sd/P.N.M.
14/1

U.R. to R.D. No. 462 dt. 17/1/42.

MRR.
2/5.

Office of the R.L.A.

A revised draft notification is sent herewith.

Sd/- P.N.M. 28/1

Remembrancer of Legal Affairs.

U.R.to F. & S. Deptt., No. 735, dated 24th January, 1942.

M.R.
S/S.

The Govern ent of India, Act, 1935.

NOTIFICATION.

Political and Services Department.

Bombay Castle, January, 1942.

No. 1763/A - In exercise of the powers conferred by sub-section (3) of section 266 of the Government of India Act, 1935, The Governor of Bombay is pleased to amend the regulations published in Government Notifications in the Political and Reforms Department, No.R/293-III, dated the 5th April, 1937, as follows, namely:-

In the Annexure to the said Regulations the following entries shall be deleted, namely:-

" (4) The Deputy Sheriff, Bombay" and

" (12D) Assistant Plant Pathologist under the Bombay Wheat Rust Scheme"

By order of the Governor of Bombay,

Chief Secretary to Government.

M.H.
2/5

Office of the R.L.A.

The draft notification at page 3 ante is in order.

Sd/- P.N.H.
10/2

Remembrancer of Legal Affairs.

U.R. to P & S.D. No. 61 -Confl., dated the 11th February, 1912.

2/5 LFT.

Political and Services Department,
Bombay Castle, February, 42.

The Government of India Act, 1935.

NOTIFICATION.

No. 1817/34-D. In exercise of the powers conferred by sub-section (1, of section 265 of the Government of India Act, 1935, read with sub-regulation (2) of regulation 4 of the Bombay and Sind Public Service Commission (Conditions of Service Regulations, the Governor of Bombay is pleased to appoint Mr. Henry Verner Hampton, M.A. I. E. S., to be a Member of the Bombay-Sind Public Service Commission, with effect from the ~~next~~ 1st day of April 1942.

By order of the Governor of Bombay,

Chief Secretary to Government.

MMR.
2/5.

Office of the R.L.A.

A revised draft notification is sent herewith.

sd/- P.N.H. 2/2

Remembrancer of Legal Affairs.

U.R.to P & S.D. No.1193 dated 9th ~~Mar~~ February, 1942.

MMR.
2/3.

NOTIFICATION.

Political And Services Department.
Bombay Castle, January 1942.

No.1575/34. - In exercise of the powers conferred by clause (b) of sub-section (2) of section 241 of the Government of India Act, 1935, the Governor of Bombay is pleased to amend the Bombay General Provident Fund Rules, as follows, namely -

In the said rules;

1. In sub-rule (1) of rule 5-

(1) the word "subsistence" where it occurs for the first time and the words and figures "but less than Rs. 50 per month," shall be deleted; and

(2) In Note 1, after the words "the month" the words " following that" shall be inserted.

2. In clause (b) of sub-rule (1) of rule 10, for the words and figures "less than Rs.25" the words and figures" Rs. 25 or less" shall be substituted.

By order of the Governor of Bombay,

Chief Secretary to Government.

MPR.
2/5.

The Government of India Act, 1935.

NOTIFICATION.

Public Works Department,
Bombay Castle, 1940.

No. 2145/36- In exercise of the powers conferred by clause (c) of sub-section (1) of section 241 of the Government of India Act, 1935, the Governor of Bombay is pleased to direct that the Superintending Engineers of the Circles shall, within their respective jurisdiction, appoint such members of the Bombay Subordinate Engineering Service and permanent Supervisors as are placed in charge of sub-divisions for periods not exceeding or not likely to exceed one year as officiating Deputy Engineers in the Bombay Service of Engineers, Class II.

By order of the Governor of Bombay,

Secretary to Government.

EM.
2/6

H.I.A's Office.

A revised draft notification in place of the draft notification at p. 19 ante is sent herewith. The words "pending further orders" and " as a temporary measure" are omitted as they are unnecessary."

s/= illegible
16/2

Remembrancer of Legal Affairs.

WR to P.W.D. No.1431 dated 17-2-42

H Asst.
2 5

Office of the H.L.A.

A revised draft notification is sent herewith.

3. Under the proviso to Regulation 17 of the Bombay and Sind Public Service Commission (Conditions of Service, Regulations read with Regulation 2(c) of the said Regulations the Government of Bombay has power to extend the Secretary's tenure without the concurrence of the Governor of Sind. The words "with the concurrence of the Governor of Sind" in the draft notification at page 9 ante are therefore unnecessary and have been omitted.

sd/- P.H.H. 29/1
Remembrancer of Legal Affairs.

U.O. to P & S. D. No. 655 dt. the 30th January, 1943.

H.M.
2/5

Political and Services Department.

Bombay Castle, January, 1912.

NOTIFICATION.

The Bombay and Sind Public Commission (Conditions of Service) Regulations.

No. 1817/31-P. In exercise of the powers conferred by the proviso to regulation 17 of the Bombay and Sind Public Service Commission (Conditions of Service) Regulations, the Governor of Bombay is pleased, to extend the tenure of office of Mr. J. B. Fernandes B. A., Secretary of the Public Service Commission for the Provinces of Bombay and Sind, for a further period from the 31st day of March 1912 to the 11th day of February 1913.

By order of the Governor of Bombay,

Chief Secretary to Government.

Madhav Ranchhodas.
5/5
C/4.

R. L.A 's Office.

x xxx xx A revised draft notification is sent herewith.

2. Section 1 (2) of the Federal Court Act, 1911 (XXI of 1911), provides that it shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint. If the Act is applied as it stands to the partially excluded areas it will be necessary for the Central Government to issue a notification under sub-section (2) of section 1 appointing the date on which the Act is to come into force in those areas (cf. R.L.A's No. 3619, dated the 24th April 1914). It is presumed that the intention is that the Act should come into force in the partially excluded areas on the date appointed by the Central Government for its coming into force in other areas under sub-section (2) of section 1 of the Act. The Act may, therefore, be applied subject to the ~~xxxxxxxx~~ modification of sub-section (2) of section 1 as shown in the revised draft notification.

sd/- P.Kh. 12/2

Remembrancer of Legal Affairs.

U. R. to x H.D. No. 1339 dated 14th Feb. 1912.

Mule.
2/3

NOTIFICATION.

HOME DEPARTMENT.

Bombay Castle January, 1942

The Government of [illegible] India Act, 1935.

No. 8501/4. - In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Federal Court Act, 1941 (XXI of 1941) shall apply to the partially excluded areas in the Province of Bombay except the villages belonging to the following Kathiawadi Chiefs, namely:-

(1) the Parvi of Kathi,
(2) the Parvi of Mal,
(3) the Parvi of Singpur,
(4) the Walvi of Goondli,
(5) the Vaseena of Chikhli, and
(6) the Parvi of Navalpur,

subject to the modification that for sub-section (2) of section 1 of the said Act, the following shall be substituted, namely:-

"(2) It shall come into force on the date appointed by the Central Government for its coming into force in British India."

By order of the Governor of Bombay,

Secretary to Government.

LNN.
2/5

R.I.A.'s memo.

It is proposed to apply the provisions of section 5 of the Indian Finance (Supplementary and Extending) Act, 1931, in so far as they relate to the levy of an additional duty on salt to the Partially Excluded Areas of this Province where the Indian Salt Act, 1882, is in force. Section 7 of the Indian Salt Act, 1882 provides for the levy of duty on salt. This section by virtue of section 1 of that Act, has been extended to the whole of British India since 1882 and therefore ipso facto applies to the Partially Excluded Areas in the Province of Bombay (cf. the definition of "British India" and section 4A (1) of the General Clauses Act, 1897). The India Finance (Supplementary and Extending) Act, 1931, has no extent clause. But a Central Act prima facie extends to the whole of British India. Section 5 of the Finance Act provides that where any salt chargeable with duty under the Indian Salt Act is assessed to duty, there shall be levied and collected as an addition to and in the same manner as the total amount so chargeable, a sum equal to one-quarter of such total amount. This section therefore supplements the provisions of section 7 of the Indian Salt Act. It is thus clear that the relevant sections of the Indian Salt Act, 1882, and the Indian Finance (Supplementary and Extending) Act, 1931, were already in force in the Partially Excluded Areas before the Government of India Act, 1935, was enacted. Section 292 of the Government of India Act expressly provides that all the law in force in British India immediately before the commencement of Part III of the Act shall continue in force in British India until altered, repealed or amended by a competent legislature. The relevant sections of the Salt Act and the Finance Act therefore continue in force in the Partially Excluded Areas and no fresh extension for this purpose is necessary. Section 92(1) of the Government of India Act can have no application in the present case as the Salt Act and the Finance Act aforesaid are

not the Acts of the Provi- ncial or Federal Legislature as constituted under the Gov-ernment of India Act, 1935, but are "existing Indian Law" enacted by the Central Legislature before the Government of India Act, 1935, came into force. Section 92(2) of the Government of India Act, 1935, will also have no application in the circumstances of the case as the relevant sections of the Salt Act and Finance Act are already in force in the Partially Excluded Areas and the need for amending or repealing those sections for the peace and good gover-ment of the said Areas has not arisen. No notification under section 92(1) or regulation under section 92(2) of the Govern-m.nt of India, Act, 1935, is therefore necessary.

sd/- P.N.M. 2/3
Remembrancer of Legal Affairs.

H. R. to F.D. No. 1909 dated 4/3/42

Through R.D.

Madhav Raokadam.
2/5

Office of the H.L.A.

A revised draft notification is sent herewith.

2. It is necessary that the notification should be signed as required by rule 13 of the Rules of Business by the Chief Secretary, the Deputy Secretary or the Assistant Secretary in his official capacity as Chief Secretary, Deputy Secretary or Assistant Secretary and not by any officer for the Chief Secretary as proposed in the P. & G.D. Draft at page 23 ante (cf. H. L. R 5. Col. 135).

sd/- P N N
9/1

Remembrancer of Legal Affairs.

U. O. to P & G.D. No. 268 dated the 10th January, 1912.

Madhav Mookerjee.
3/5.

Political and Services Department.
Bombay Castle, January, 1942.

The Government of India Act, 1935.

NOTIFICATION

No. 1763/34. - In exercise of the powers conferred by sub-section (3, of section 266 of the Government of India Act, 1935, the Governor of Bombay is pleased to rescind the regulations published in Government Notification in the Political and Reforms Department No. R. 293-III dated the 5th April, 1937 as follows, namely:-

After regulation 1-D of the said regulations the following new regulation shall be inserted, namely :-

" 1-E. Notwithstanding anything contained in clause (b) of regulation I it shall not be necessary to consult the Public Service Commission in regard to the selection for appointment to a post created in connection with the the war-emergency if the officer to be appointed is not likely to hold the post for more than three years, or the post is expressly created for the duration of the war or for the duration of the war and any period not exceeding one year thereafter."

By order of the Governor of Bombay,

Chief Secretary to Government.

MPH.
2/5

Office of the H.L.A.

It appears that Sir Hugh Clayton had retired from the Indian service of the Crown in India prior to 1st April 1937 the date of his appointment as a member of the Public Service Commission. He cannot, therefore, be said to have been in the service of the Crown in India on this date within the meaning of regulation 14(b, of the Bombay and Sind Public Service Commission (conditions of Service, Regulations. It is true that a specific provision has been made in regulation 11, explanation (ii, that a member who at the date of his appointment had retired from the service of the Crown in India shall for the purposes of that regulation be treated as a member not in the service of the Crown in India. It will not however be open to infer, because of this specific provision in regulation 11, that for the purposes of regulation 14 a member who had retired from the service should be treated as one in the service. The view taken in the P & S. Department office note at pages 7-8 ante that Sir Hugh Clayton should be treated as a member not in the service of the Crown at the date of his appointment and that his passage also once is regulated under regulation 14(b) of the Regulations is correct.

2. The draft notification at page 5 ante sent by P & S Department is not suitable. It would be desirable to amend the regulations for achieving the object in view. The necessary draft notification is sent herewith. The amendment will also cover the object in view in the linked case relating to Mr Arbuthnot.

sd/- P.N.H. 11/3

Remembrancer of Legal Affairs.

U.H.to P & S.D. No. 2126 dated the 12th March, 1942.
Mrr. 2/3

NOTIFICATION.

Political and Services Department.

Bombay Castle, March 1942.

No. - In exercise of the powers conferred by sub-section (2) of section 265 of the Government of India Act, 1935, the Governor of Bombay is pleased, with the concurrence of the Governor of Sind, to amend the Bombay and Sind Public Service Commission (Conditions of Service) Regulations as follows, namely :-

To regulation 14 of the said regulations, after clause (B), the following proviso shall be added, namely :-

" Provided that a member who retires during the continuance of the present war and who is entitled to passage benefits or allowance under this rule on his retirement may be given the said benefits or allowance at any time during the continuance of the said war and within a period of six months thereafter."

By order of the Governor of Bombay,

Chief Secretary to Government.

Madhav Raokadam.
3/5

Office of the R.L.A.

In place of the draft notification proposed by the P. & S.D. on page 23, a revised draft notification under the first proviso to regulation 6 read with clause (c) of regulation 2 and regulation 3, of the Bombay and Sind Public Service Commission (Conditions of Service, Regulations is sent herewith. The following remarks are made :-

(a) As section 265(1) of the Government of India Act, 1935, relates to appointments of members of a Provincial Public Service Commission by the Governor and not to the extension of the term of their office, it has been omitted in the revised draft notification.

(b) Sir Sheh Nawaz Bhutto was appointed to be the member of the Commission from 1.4.1937 (vide notification No.293-III (2), dated 2nd April 1937). Consequently his period of office would under regulation 6 expire on 31st March 1942 and as it is to be extended, it would be necessary to extend it with effect from the 31st March 1942. The period of his office cannot be extended from 1st April, 1942, because on that date he would be holding no office which could be extended under the Regulations.

sd/- P.N.M.
16/3

Remembrancer of Legal Affairs.

U.O.No. P & S.D. No. 2357, dated the 16th March 1942.

Bachelor Bookseller.

3/6

Notification.

The Bombay and Sind Public Service Commission (Conditions of Service) Regulations.

Political and Services Department.
Bombay Castle, March 1912.

No. 1817/34-D -In exercise of the powers conferred by the first proviso to regulation 6 read with clause (c) of regulation 2 and regulation 3, of the Bombay and Sind Public Service Commission(Conditions of Service) Regulations, the Governor of Bombay is pleased, with the previous concurrence of the Governor of Sind, to extend the tenure of Office of Sir Sheh Nawaz Khan Ghulam Murtaza Khan Bhutto, Kt, ~~and~~ C.I.E., O.B.E., Member of thePublic Service Commission for the Provinces of Bombay and Sind, for a further period of five years from the 31st day of March 1912.

By order of the Governor of Bombay,

Chief Secretary to Government.

Bombay Government Press.
3/5

Office of the R.L.A.

A revised draft notification is sent herewith.

2. The expression "if such vacancy is of short duration" in the P & S. Dept. draft notification at p.16 ante is vague. It would be desirable to specify the exact number of days for which the vacancy may not be filled up. The draft notification is accordingly revised.

sd/- P.N.M. 24/3

Remembrancer of Legal Affairs.

U.O. to P. & S.D. No. 2004 dated the 2nd April, 42.

Madhav Keshavan
3/5

The Government of India Act, 1935.

NOTIFICATION.

Political and Services Department.

Bombay Castle, 1942.

No. - In exercise of the powers conferred by sub-section (2) of section 200 of the Government of India Act, 1935, the Governor of Bombay is pleased with the concurrence of the Governor of Sind to amend the Bombay and Sind Public Service Commission (Conditions of Service) Regulations as follows, namely :-

In clause (b) of regulation 9 of the said regulations, for the words "was appointed" the following words shall be substituted, namely:- "was appointed; but the vacancy need not be filled if it is for a period not exceeding

* days."

By order of the Governor of Bombay,

Chief Secretary to Government.

* to be filled in by the P.&S.D.

~~All~~ Officers of the R.L.A.

49.

A revised draft notification is sent ~~herewith~~ herewith.

2. The reference to clause (b) of sub-section (2, of section on 241 of the Government of India Act, 1935, is inept in the preamble, since the rules strictly concern the appointment or recruitment only and not the conditions of a service which has already commenced, (nor its tenure, The reference is therefore omitted. It is also necessary to refer in the preamble to section 254 of the Government of India Act, 1935, since the rules contemplate regulating appointments of " the Superior Provincial posts" which are entirely within the purview of section 254.

3. It is not clear what is meant by the expression "gazetted appointments in the High Court" occurring in the definition of "Superior Provincial posts in the Judicial Department" in the P & S. Department notification at pages 37-1 ante. It is presumed that the expression refers to gazetted appointments on the staff attached to the High Court (cf. section 242 (4, of the Government of India Act, 1935) Under section 242(4, of the Government of India Act, 1935, it is the Chief Justice of the High Court of Bombay who is empowered to make the rules in respect of the staff attached to the High Court and no such rules can be made in respect of them by the Provincial Government under section 241(1, (b, or (2, (b, of the Act. The reference to these appointments in the rules is therefore not in order and has been consequently deleted from the revised draft notification.

4. The definition of " Superior Provincial posts in the Judicial Department" (in rule 2(c, of P & S.D. draft, appears to copy sub-section(3) of section 254 of the

~~Government~~

Government of India Act, 1935, but not exactly. P. & S.D. may consider whether the omission of " Session Judge, Additional Sessions Judge, and Assistant Sessions Judge" is deliberate. The P & S.D. draft include all' Presidency Magistrate while section 254(3) is confined to the Chief Presidency Magistrate, probably because other Presidency Magistrates can be appointed only after consultation with the Chief Presidency Magistrate as required by section 256 of the Act. But there is no harm in having the wider enumeration of the P & S.D. draft.

5. The clause bracketed in red pencil at page 35 of P. & S.D. draft has been omitted in the revised draft, as the clause will be inoperative in purporting to fetter Government's power at any time to make or amend rules on the subject, including rules which might amend the Bombay Civil Services (War Service Personnel) Recruitment Rules now being made.

6- The other rules have been formally amended.

7- It will be necessary to include in the rules a difinition of the expression " approved war service." If it is decided not to define the expression giving particulars in detail a definition on the following lines may be inserted in the rules:-

"'Approved war service' means any war service declared by the Provincial Government to be approved war service for the purposes of these rules."

sd/- P.H. H. 1/4/4

~~Re[illegible] Affairs~~ Remembrancer of Legal Affairs.

U.R. to P. & S.D. No. 3063 dated the 9th April 1942.

MRR.
3/5

Office of the A.L.A.

Revised draft notificationsare sent herewith. ~~The~~ Political and Services Depart ent draft not-ification at page 21 ante. The expression "suburbs" is vague. In its place the expression "the Island of Selaette" has been substituted in the revised draft notification. The ~~M~~ Political and Services Department should verify if the area included covers the area in the suburbs.

sd/- A.N.M. 4/4

Remembrancer of Legal Affairs.

U.O.to F. and S.D. No. 2018confl., dated the 4th April, 1912.

Madhav Mookadeth
3/5

Bombay General Provident Fund Rules.

NOTIFICATION.

Political and Services Department.

Bombay Castle, 1932.

No. 1575/31.— In exercise of the powers conferred by clause (b) of sub-section (2) of section 241 of the Government of India Act, 1935, the Governor of Bombay is pleased to amend the Bombay General Provident Fund Rules as follows, namely:—

In sub-rule(1) of rule 14 of the said rules—

(a) to clause (a) the following new sub-clause shall be added namely :-

"(iv) to pay expenses in connection with such other object as the Government of Bombay may notify in this behalf in the Official Gazette." and

(b) to clause (c) the following further proviso shall be added, namely :-

" Provided further that the provisions of this clause shall not apply in the case of any advance granted under sub-clause (iv) of clause (a) of this sub-rule."

By order of the Governor of Bombay,

Chief Secretary to Government.

NOTIFICATION.

Political and Services Department.

Bombay Castle, 1942.

Contributory Provident Fund Rules (Bombay).

No. 1838/34— In exercise of the powers conferred by clause (b) of sub-section (2) of section 241 of the Government of India Act, 1935, the Governor of Bombay is pleased to amend the Contributory Provident Fund Rules (Bombay), as follows, namely :-

In rule 12 of the said rules——

(a) to clause (a) the following new sub clause shall be added, namely :-

" (iv) to pay expesnes in connection with such other object as the Government of Bombay may notify in this behalf in the Official Gazette."

(b) in clause (b) for the words " shall not, except for special reason, exceed three months' pay and shall in no case" the words brackets, figures and letter " granted under sub-clause (i), (ii) or (iii) of clause (a) shall not except for special reasons, exceed three months' pay, and in no case any advance granted under this rule shall" shall be substituted; and

(c) in clause (c) after the word " advance" the words, brackets, figures and letter " under sub-clause (i), (ii), or (iii) of clause (a)," shall be inserted.

By order of the Governor of Bombay,

 Chief Secretary to Government

NOTIFICATION.

Political and Services Department.

Bombay Castle, 1942.

Bombay General Provident Fund Rules and the Contributory Provident Rules (Bombay).

No. 1575/34-D.— In exercise of the powers conferred by sub-clause(iv, of clause (a, of sub-rule (1, of rule 14 of the Bombay General Provident Fund Rules and sub-clause (iv, of clause (a, of rule 12 of the Contributory Provident Fund Rules (Bombay), the Government of Bombay is pleased to notify that the removal of his family and dependents by a subscriber to the Bombay General Provident Fund or the Contributory Provident Fund(Bombay, from the city of Bombay and the Island of Salsette to any other area during the period of six months commencing from the ———— × ..... 1942 shall be an object for which temporary advances may be granted under the said subclauses.

× To be filled in by the P and S. D.

By order of the Governor of Bombay,

Chief Secretary to the Government.

HLC.
3/3

The Government of India Act, 1935.

NOTIFICATION.

Political and Services Department.

Bombay Castle, April 1942.

No. 1566/34 — In exercise of the powers conferred by clause (b, of sub-section (2) of section 241 of the Government of India Act, 1935, the Government of Bombay is pleased to amend the Bombay Civil Services Classification and Recruitment Rules, 1939, as follows, namely :-

In Appendix D to the said rules-

(a) in rule 131, the words and figures " They should be less than 25 years of age at the date of selection" shall be deleted and to the said rule and the following shall be added, namely:-

" The Age of candidates who hold the B.T. degree shall not be more than 27 ~~xx~~ years, and the age of other candidates shall not be more than 25 years, at the date of selection."

(b) for rule 133, the following rule shall be substituted, namely :-

" 133. Appointments shall be made by nomination from among candidates who must be graduates. Preference will be given, as far as possible, to those who hold an Honours degree and also the B. T. degree. The age of candidates who hold the B.T. degree shall not be more than 28 years, and the age of other candidates shall not be ~~less~~ than 26 years, at the date of selection."

By order of the Governor of Bombay,

Chief Secretary to Government

EXH 3/5.

Office of the R.L.A.

A revised draft notification is sent herewith.

sd/- P.N.M. 10/4

Remembrancer of Legal Affairs.

U.R. to P & G.D., No. 3153, dated the 11th April 1912.

Madras Reckoned.
3/5

Office of the R.L.A.

" A revised draft notification is sent herewith. Beforex it is issued the P. & G.D. is requested to consider whether colum 4 of the Schedule to the draft notification is necessary. The result of inserting this column in the draft notification is to make the person mentioned in the notification eligible to hold only the offices referred to in the said column. They will not be eligible to hold any other office. It may be pointed out that the words "being an office specified in the declaration" have been recently deleted from section 262 (2) of the Government of India Act and it is no longer necessary to specify the offices in a notification to be issued under the said section. If the P. & G.D. decides to delete column 4 from the draft notification, the words " any civil office under the Crown in India in connection with the affairs of the Province of Bombay" may be substituted for the words and figure ". the offices designated against them in column 4". Column 5 in the Schedule may then be renumbered as column 4 and the reference to column 5 in the body of the notification may be changed to column 4."

sd/- P.N. Moos 12/4
Remembrancer of Legal Affairs.

U.R.to P. & G.D., No. 2161 dated 11th April, 1942.

Keshav Kashinath
3/5

NOTIFICATION.

Political and Services Department.
Bombay Castle, 1942.

The Government of India Act, 1935.

No. 1955/34. In exercise of the powers conferred by sub-section (2) of section 263 of the Government of India Act, 1935, the Governor of Bombay is pleased to declare that the persons named in column 2 of the Schedule hereto annexed, who are subjects of the Indian States specified against them in column 3 shall be eligible to hold the offices designated against them in column 4 with effect from the dates mentioned against them in column 5 of the said Schedule:-

SCHEDULE.

Serial No.	Names of persons	Names of Indian States	Designations of Offices.	Dates
1	2.	3.	4.	5.

(To be filled in by the P. & S. D. as at A-A on page 2, as amended in pencil.)

By order of the Governor of Bombay,

Chief Secretary to Government.

ADM.V in Gen. Dept.
3/5

Office of the R.L.A.

A revised draft notification is appended.

sd/- N. K.D.
4/5

For Remembrancer of Legal Affairs.

U.R. to F.D. No. 3/40, dated the 4th May 1912.

Madhav Mookadam.
3/5

NOTIFICATION.

Finance Department.

Bombay Castle, May 1942.

No. - In exercise of the powers conferred by sub-section (1, of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Indian Finance Act, 1942 (XII of 1942) shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay,

Secretary to Government.

Madhav Mashkedam.
3/5

NOTIFICATION.

Home Department (Political-War,

Bombay Castle, 1942.

No. S.D./W. - In exercise of the powers conferred by sub-section (1, of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Civil Pioneer Force Ordinance, 1942 (Ordinance No. X of 1942), shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay,

Joint Secretary to Government.

Madhav Raoknoam.

3/5

Office of the R.L.A.

A revised draft notification is appended.

sd/- M.K. 8/4

For Remembrancer of Legal Affairs.

U.O. to H.D. (spl., No. 3907 dated 11th May 1942.

Madhav Apokedar
3/5

Alice of the R.L.A

A revised draft of the notification included in para 1 of the draft resolution at pp. 77-78 ante is sent herewith.

sd/- P.N.H.
24/6

Memorandum of Legal Affairs.

U.R. to H.D. No. 5204 dated the 25th June 1942.

MADHAV RAOKAMAL.
3/6

"The Government of India Act, 1935."

NOTIFICATION.

Home Department.

Bombay Castle, 1942.

No. - In exercise of the powers conferred by section 241 of the Government of India Act, 1935 and in supersession of Government Notification in the Home Department No.325/4 dated the 30th March, 1939, the Governor of Bombay is pleased to direct,

(a) under clause (b) of sub-section (1) of the said section, that --

(i) the appointments to all posts in the ministerial branch of the Subordinate Judicial Service in the Civil Courts in each district may be made by the District Judge, and

(ii) the appointments to all posts in the inferior branch of the said service in the District Court or any such subordinate Civil Court, may be made by the Judge of such Court; and (b) under clause (b) of sub-section (2) of the said section that the Bombay Civil Services Conduct, Discipline and Appeal Rules shall apply to all members of the ministerial branch and the inferior branch of the Subordinate Judicial Service.

By order of the Governor of Bombay,

Secretary to Government.

Madhav Raokacam. 3/5

Office of the R.L.A.

The draft subsidiary Rule 64 (p. 7 ante, and Appendix B. (pp.19-20,. Appendix A- In item 1 the words "or in favour of" should be omitted. A receipt in favour of the Crown is not exempt from stamp duty under proviso(1, to sec 3 of the Indian Stamp Act, 1899, any instrument in favour of the Crown in cases where but for that exemption the Crown would be liable for duty chargeable in respect of such instrument is exempt from stamp duty; but in the case of a receipt in favour of the Crown, it is not liable to pay the duty, but the person receiving the amount under the first paragraph of section 30.

In item (10, the words " or lamberdar" may be omitted. Lamberdar is the headman of a village in N.W.F.P. oudh, Punjab and C.P. There is no such officer in this province.

Item (11) - "the Bombay Co-operative Societies Act, 1925" may be substituted for " the Co-operative Societies Act, 1912." Clause (b, in Note 2 may be omitted as there is not likely to be any Government officer as Chairman of a municipality since nomination on municipalities has been abolished by Bombay Act IX of 1930.

In clause (f) in Note 2, for "item (11)" "items(11, and (12," may be substituted.

F .D. is advised to get all the details in the Appendix to be verified by the A, D. and the Superintendent of Stamps.

2. Subsidiary Rule 163(1) In the Note it is not necessary to refer to the Acts amending the Civil Procedure Code, 1908. It does not appear that any Declaration has been made by the Provincial Government under clause(1,of the Proviso to section 6 (1, of the Code of Civil Procedure, 1908. But F. D. may verify this from H.D. which is the administrative department concerned.

3. Subsidiary Rule 163(2,- As rule 226 of Central Rules is fuller, it is desirable to s

to adopt that rule with suitable modifications.

4. Subsidiary Rule 163(3). It is desirable to insert the proviso to Central Rule 227 in the sub-rule.

Instalments in payment of advances from the General Provident Fund are compulsory deposits into Provident Fund and as such will be covered by clause (k) of the proviso to section 60(1) of the Code of Civil Procedure, 1908. They are therefore exempt from attachment.

Note 3 under rule 163(3) is necessary. The new clauses (h) (i) and (l) were substituted in the proviso to section 60(1) of the Code of Civil Procedure, 1908, by the Amending Act IX of 1937 and the amendments made are not to have affact in respect of anyproceedings arising out of a suit instituted before the 1st June 1937, as provided in section 3 of that Act. The note may therefore be retained.

5. Para. 67 of F.D. note at p. 4 ante. It is desirable to include in the rules provisions on the lines of those in Central Rule 228(1) and (2) laying down the procedure to be followed by disbursing and drawing officers in making recoveries from the pay bills of Government servants of amounts in compliance with attachment orders issued by courts. It appears that most of the provisions of rules 225-229 of the Central Rules are already adopted F.D. should first examine from the administrative point of view whether any other provision from the rules is necessary to be adopted and if any legal difficulty is felt about the provision refer the same to the R.L.A. for advice.

A provision on the lines of Madras Sub-Rule 22 at p. 27. ante to provide for cases of payment besides pay and allowances may be inserted in the rules.

6. The draft Sub-Rule 164 - The point of reference about the second sentence of this rule is not understood.

7. The intention of the proposed Sub-Rule 175(2) appears to be to continue in force those general indemnity bonds which have been duly

-d with the Secretary of State

for Indian in Council under the old constitution prior to
and are Continued in force on the 1st April 1937
1st April 1937, If so, the said Sub-Rule 175(2) may be amended

as shown in pencil.

Form T.R. 27(pp.13-17 as slightly amended is in order.

Appendix 11 is in order.

sd/- P. Das.
2/7

Remembrancer of Legal Affairs.

Encl to F.D. No. 5460, dated the 3rd July 1942.

Ist Saokadam.
3/5

NOTIFICATION.

Public Works Department.

Bombay Castle, 1942.

Government of India Act, 1935.

No. In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Indian Railways (Amendment) Act, 1941 (VI of 1941) shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay,

Secretary to Government

Madhav Rankadam.
3/6

Office of the R.L.A.

The view taken in P.W.D. note dated the 29th May 1942 on page28 ante that the Indian Railways (Amendment Act, 1941 & (VI of 1941.) would be applicable to the partially excluded areas in this Province, because the orginal Indian Railways Act, 1890 IX of 1890) extends thereto, is notxx correct. Under the provisions of section 92(1) of the Government of India Act, 1935, no Act of the Federal Legislature passed after the commencement of Part III of the Government of India Act, 1935, i.e. 1st April 1937, will apply to partially excluded areas, unless the Governor by public notification so directs. Therefore it will be necessary to issue a notification under section 92(1) of the Government of India Act to apply the Indian Railways (Amendment) Act, 1941 (VI of 1941) to partially excluded areas in this Province.

The Requisite draft notification for this purpose is sent herewith.

sd/- P.N.M.
17/6

Remembrancer of Legal Affairs.

U. R. to P. W. D. No. 4933, dated the 19th June 1942.

Madhav Raokndgm.

3/6

The Government of India x
Act, 1935.

NOTIFICATION.

Bombay Castle, 1942.

No. - In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the following Acts shall apply to the partially excluded areas in the Dahanu Taluka and the Umbergaon Petha of the Thana District, namely:-

(1) The Indian Tariff (Second Amendment) Act, 1939 (XVIII of 1939).

(2) The Sugar Industry (Protection) Act, 1939 (XX of 1939)

(3) The Indian Tariff (Third Amendment) Act, 1939.

(4) The Indian Tariff (Fourth Amendment) Act, 1939 (XXIX of 1939)

(5) The Indian Tariff (Amendment) Act, 1940 (XXI of 1940).

(6) The Protective Duties Continuation Act, 1942 (XI of 1942)

By order of the Governor of Bombay,

Secretary to Government.

Madhav Baokaram.
4/5

Office of the R.A.

A revised draft notification is sent herewith.

2. Before issuing the notification the F.D. should consider whether the Sugar Industry Protection (Temporary Extension) Act, 1933 (XIV of 1933), and the Protective Duties Continuation Act, 1941 (VIII of 1941) should not also be included in the notification in view of the following considerations, namely:-

The draft notification provides for the application of the Sugar Industry(Protection) Act, 1939 (XX of 1939). Section 3 (b) of this Act provides that in the last column in item No. 17 of the First Schedule to the Indian Tariff Act, 1934, for figure, "1939" the figure "1941" shall be substituted. Now, this figure "1939" was substituted for the original figure '1933' in the Indian Tariff Act, 1934, by the amending Act, XIV of 1933, namely, the Sugar Industry Protection (Temporary Extension) Act, 1933. Unless therefore this amending Act No. XIV of 1933 is applied to the partially excluded areas, the amendment made by section 3 (b) of the Sugar Industry (Protection) Act, 1939, cannot suitably apply. Similarly, Act, No. VIII of 1941, namely the Protective Duties Continuation Act, 1941, provides for the substitution of "March 31st, 1942" for "March 31st, 1941," in the seventh column of several items in the First Schedule to the Indian Tariff Act, 1934 and the Protective Duties Continuation Act, 1942, (XI of 1942) provides for the substitution of "March 31st, 1944" for "March 31st, 1943". It appears necessary, therefore, to apply this Act, No. VIII of 1941 to the partially excluded areas before Act No. XI of 1942 is applied as provided in the draft notification.

HD/- F. H. M.

2/7

Remembrancer of Legal Affairs.

U.R. to F.D. NO. 6175, dated the 30th July1942.

MRR.
4/5

Office of the R.L.A.

A revised draft notification is sent herewith.

sd/- R.K.D. 318
For Remembrancer of Legal Affairs.

U.R.to F.D .ND. 6320 dated the 4th Aug. 1942.

Sachiv Bhokmcem.
4/8

NOTIFICATION

Government of India Act, 1935.

Finance Department,
Bombay Castle, 1942.

No. 4275/33/20303-D, - In exercise of the powers conferred by sub-section(1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the following Ordinances shall apply to the partially excluded areas in the Province of Bombay, namely:-

(1) The War Risks(Goods) Insurance (Amendment) Ordinance, 1941 ((No. XII of 1941)

(2) The War Risks (Goods) Insurance (Amendment) Ordinance, 1942 (No. XIV of 1942.

(3) The War Risks (Goods, Insurance (Second Amendment, Ordinance, 1942 (No. XIX of 1942)

By order of the Governor of Bombay,

Secretary to Government.

Madhav Mackadani
4/6

NOTIFICATION.

Political and Services Department.

Bombay Castle, November 1942.

Government of India Act, 1935

No. 1581/34.- In exercise of the powers conferred by clause (b, of subsection (2, of section 241 of the Government of India Act, 1935, the Gov rnment of Bombay is pleased to amend the Bombay Civil Services Conduct, ~~Discip~~ Discipline and~~k~~ Appeal Rules, as follows, namely :-

1. In the second proviso to rule 2 of the said rules, the word "also" shall be deleted and after the words "Kulkarnis" the words and figures " and rules 33 and 34 only to stipendiary revenue patels" shall be inserted.

2. After Note 4 below sub-rule (1) of rule 34 of the said rules, the following new Note shall be inserted, namely:-

" Note 5- Mamlatdars and Mahalkaris shall have power to punish stipendiary revenue ------- patels with a fine not exceeding two rupees in each case of default."

By order of the Governor of Bombay,

Chief Secretary to Government.

Madhav Mankikar.

4/6

Office of the R.L.A.

A revised draft notification is sent herewith.

MM/2 P.M.M.

Memorandum of Legal Affairs.

U.R. to P & S.D.No. 2836, dated the 16th November 1942.

Lindsay Hockaday.
4/3

Office of the R.L.A.

The requisite draft notification is sent herewith.

sd/- P.N.M.
3/12

Remembrancer of Legal Affairs.

U.R. to ~~F.D.~~ F.O. No. 9730 dated the 4th Decr. 1942.

M.Chav Mookerjee.

4/5

Notification.

Finance Department.

Bombay Castle, 1943.

No. -In exercise of the powers conferred by sub-section (1, of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Legal Tender (Inscribed Notes, Ordinance, 1942 (Ordinance No. LIX of 1942, shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay.

Secretary to Government.

Madhav Baglekar.
4/5

Office of the R.L.A.

A revised draft rule is appended. If the P.& S.D. is not able to say definitely whether the existing rule 36 in Appendix C was issued after following the procedure laid down in section 255(1) of the Government of India Act, 1935, it would be desirable to reissue the said existing rule also along with the addition now proposed after consultation with the Provincial Service Commission and the High Court.

2. The Bombay Subordinate Civil Judicial Service consists inter alia of Judges of the Courts of Small Cause at Poona and Ahmedabad and the Subordinate Judges. It is presumed that the proposed rule is intended to apply only to persons eligible for appointment as Subordinate Judges. In that case it would be more appropriate to insert the proposed provision as clause (ia) of rule 36 rather than insert it as a separate rule 36A.

sd/- P.E.H
5/12

Remembrancer of Legal Affairs.

U. O. to P. & S.D. No.9704 dated the 7th December, 1942.

Madhav Bookadam.
4/5

Revised Draft Rule.

In rule 36 in Appendix C to the Bombay Civil Services Classification and Recruitment Rules, 1939, after clause (i) the following new clause shall be inserted, namely :-

"(ia) Save as otherwise provided in clause (i) the provisions of rules 3 to 8, 11, and 12 shall, so far as may be, apply to a candidate for first appointment as a Subordinate Judge."

MADHAV RAOBAHADUR.

4/5

Office of the R.L.A.

The draft notification proposed by the P & S.D. at page 4 ante is not in order, as it does not contain the provision regarding omission of the requirements of previous publication of the rules contained in section 4 of the Trade Marks Act, 1940 as suggested by the Government of India in their letter at page 1 ante. A revised notification is sent herewith.

2. The Trade Marks Act, 1940 (V of 1940) has been amended by the Trade Marks (Amendment) Act 1941 (XXVIIof 1941.) It does not appear that the Amending Act has been applied to the partially excluded areas. P. & S.D. should verify this. If the Amending Act has not been applied to the partially excluded areas P. & S. D. should consider whether it ~~was~~ should not be simultaneously applied to the said areas as proposed in the revised draft notification.

3. The revised draft notification provides for the omission of the requirement regarding the previous publication of the rules contained in sub-section (1) of section 84 of the Trade Marks Act, 1940(V of 1940) and for the reasons given in this office U.O. to P.D. No. 7463 dated the 8th August 1941, for the amendment of sub-section (3) of section 1.

Sd/- P.N.H.
12/12

Remembrancer of Legal Affairs.

U.O. to P. & S.D. No. 1971, dated 14th December, 1942.

Rodney Bookedam.

4/3

Government of India Act, 1935.

NOTIFICATION.

Political and Services Department.

Bombay Castle, December 1942.

No. 1653/34. In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the following Acts shall in force from the 1st day of January 1943 apply to partially excluded areas in the Province of Bombay, namely:-

1. The Trade Marks Act, 1940 (V of 1940) subject to the modifications that—

(a) for sub-section (3) of section 1 of the said Act, the following shall be substituted namely :-

"(3) It shall come into force on the 1st day of January 1943", and

(b) in sub-section (2) of section 64 of the said Act the words "subject to the conditions of previous publication" shall be deleted.

2. The Trade Marks (Amendment) Act, 1941 (XXVII of 1941).

By order of the Governor of Bombay,

Chief Secretary to Government.

Madhav Bookdom.
4/5

Office of the H.L.A.

The proposal is to apply the following Acts to the partic-
.ly excluded areas in the Province of Bombay :-

(1, The Hindu Women's Rights to Property Act, 1937;

(2) The Hindu Women's Rights to Property (Amendment) Act, 1938;and

(3) The Bombay Hindu Women's Rights to Property (Extension to Agricultural land . Act, 1942.

2. The first Act came into force with effect from 24th April 1937. The second Act amended the First Act and was brought into force with retrospective effect from the 14th day of April 1937. The third Act provides that the term "Property" in the first two Acts as in force in the Province of Bombay shall include and be deemed always to have included agricultural land. It thus extends the operation of the first two Acts to agricultural land with retrospective effect. As the first Act which is the parent Act has not been so far applied to the partially excluded areas, it is not necessary to apply the last two Acts with retrospective effect. Necessary modifications are therefore made in the last two Act while applying them to the partially excluded areas. A revised draft notifications applying the Acts to the partially excluded areas is sent herewith.

Id/- P.N.M.
6/1

Remembrancer of Legal Affairs.

U.O. to the A.G. No. 157 dated the 7th January, 1943.

Machine Numbered.

4/8

Government of India Act 1935.

NOTIFICATION.

Home Department.

Bombay Castle, January 1943.

No. In exercise of the powers conferred by sub-section(1, of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the following Acts shall apply to the partially Excluded Areas in the Province of Bombay, namely :-

(1, The Hindu Women's Rights to Property Act, 1937 (XVIII of 1937)

(2, The Hindu Women's Rights to Property (Amendment, Act, 1938 (XI of 1 38), subject to the modification that sub-section (3, of section 1 of the said Act, shall be deleted.

(3, The Bombay Hindu Women's Rights to Property Extension to Agricultural land, Act, 1942 (Bom. XVII of 1942, subject to the modifications that ---.

(a, paragraph 2 and the words " to validate those transactions as well as" and the words "with retrospective effect" in the paragraph 4 of the preamble to the said Act, shall be deleted;

and

(b) in section 2 of the said Act, the words " and shall be deemed always to have included" the first proviso and the word "further" in the second proviso, shall be deleted.

By order of the Governor of Bombay,

Secretary to Government.

Madhav Mookadam.
4/3